

## CHRONOLOGY

### Events Surrounding the Sno-Ben 4, 5 and 6 Placer Mining Claim Locations

- 02/10/86 Ordered that the Plaintiff's motion for a preliminary injunction is granted in the U.S. District Court case National Wildlife Federation v. Burford, et al, Docket No. 85-2238, District of Columbia.
- 02/14/86 Preliminary injunction becomes effective (see WO IM 86-355).
- 02/17/86 Sno-Ben # 4, 5 and 6 placer mining claims are located.
- 04/1/86 WO IM No. 86-355 indicates mining claims or sites located after 02/14/86, on lands effected by the NWF lawsuit preliminary injunction are null and void AB INITIO.
- 05/7/86 Sno-Ben No. 4, 5, and 6 placer mining claim location notices filed with the BLM Utah State Office and assigned UMC numbers 289732-289734.
- 01/87 Mr. Leo Snow visits office and with Searle Bro. Construction Inc. employees notifies Peter Sokolosky that they are planning to do work on the Sno-Ben 1 thru 3 placer mining claims. I informed them of the NWF lawsuit and that no plans of operations could be approved but notices could be accepted. I told them any notices would have to be in writing and provided them a copy of the 43 CFR 3809 regulations pertaining to the information to be included in a notice.
- 02/4/87 Written notice submitted by Searle Bros. Construction Inc. to conduct work on Sno-Ben 1-6 claims as indicated in text of letter, but the map detailing location of activity only shows Sno-Ben no. 1-3 locations. BLM assumes only Sno-Ben no. 1-3 locations to be worked. Informal Categorical exclusion review commenced.
- 04/10/87 Peter Sokolosky and Blaine Phillips visit Sno-Ben 1, 2 and 3 claims locations to assess progress of work stated notice. Activity on Sno-Ben no. 5 noticed. Mr. Bennett, a claimant, was asked to provide a notice of the activity on this claim. Consultation with USO microfiche revealed Sno-Ben no. 5 (along with no. 4 and 6) were located subsequent to 02/14/86 injunction date. Claimants issued this office notice of activity on Sno-Ben no. 5 claim and this office notified the claimants, Mr. Snow and Bennett of the NWF



lawsuit and its effect upon the existing right of the claimants. The Vernal district staff geologist, Howard Cleavinger, was apprised of the situation and he contacted Bill Buge at the Utah State Office about the situation encountered. Bill Buge decided to issue a letter to the claimants declaring the Sno-Ben no. 4, 5 and 6 claims null and void ab initio.

- 04/24/87 Letter addressed to Mr. Bennett from the Utah State Office declares Sno-Ben no. 4, 5 and 6 claims null and void ab initio.
- 04/27/87 Copy of the letter from USO to Mr. Bennett arrives at the BLM Vernal District office. Book Cliffs RA staff reviews and starts considering what action to take regarding surface disturbance which may have taken place on the Sno-Ben no. 4, 5 and 6 locations
- 05/06/87 Peter Sokolosky and Jim Piani inspect Sno-Ben no. 4, 5 and 6 locations for disturbance. Sno-Ben no. 5 had wash plant, generator, trailer(camper), and miscellaneous equipment set up to process alluvium and sort out the heavy minerals within. The land was disturbed from setting up equipment, cross-country travel, digging of settling ponds, and removing of alluvium to process through the wash plant. There was no activity on the location. Numerous photographs were taken.
- 05/07/87 Mr. Bennett was contacted in regards to the situation on the Sno-Ben no. 4, 5 and 6 locations. He said to meet with Mr. Snow and present what our office wants done with regards to the locations. Contacted Mr. Snow and arranged for a meeting on 05/11/87 to discuss what was needed to be done on the locations.
- 05/08/87 Book Cliffs Resource Area Biologist, Frank Dudley visited Sno-Ben no. 5 location to evaluate what type seeding is necessary. He indicated that there was no activity on the location when he was there.
- 05/11/87 Paul Andrews (BCRA Area Manager), Jim Piani (BCRA, Supervisory Minerals Specialist) and Peter Sokolosky (BCRA, Geologist) met with Mr. Leo Snow concerning actions we felt necessary in light of the NWF lawsuit (i.e. the court injunction) and the BLM Utah State Office decision declaring the Sno-Ben no. 4, 5 and 6 claims null and void ab initio. Mr. Snow requested official notice requiring the claimants to take measures to restore the locations through reclamation



05/14/87 Official notice issued from the BCRA Area Manager to Mr. Bennett, with courtesy copy to Mr. Snow, detailing what the BLM requires the claimants to do with regards to reclaiming the Sno-Ben no. 4, 5 and 6 locations.

05/22/87 Return receipt for letter of 05/14/87 returned to Vernal District Office. Pat Bennett's signature appears on PS form 3811 which is dated 05/20/87. This is the date from which the deadlines for removal of equipment and site reclamation are being set.

06/04/87 Jim Piani and Peter Sokolosky visit Sno-Ben # 4, 5 and 6 locations to inspect if equipment has been removed as per 05/14/87 letter from BCRA Area Manager. Equipment was removed, but trash, barrel, miscl. metal and plastic pit liner remain on #5 location. Will formulate letter instructing removal of this material before reclamation is started.

06/09/87 Letter from Area Manager BCRA to Mr Bennett (cc. to Leo Snow) sent detailing that trash must be removed and disposed of off location before beginning reclamation. Letter sent certified mail, return receipt requested.  
USO forwards mining claim files on Sno-Ben 4-6 to IBLA as appeal is filed (case no. 87-537).

06/16/87 Return receipt (PS form 3811) returned to Vernal BLM office. The form was signed by Pat Bennett and dated as received on 06/13/87.

07/06/87 Paul Andrews and Peter Sokolosky visit Sno-Ben 5 location since deadline for reclamation (07/04/87) had passed. No reclamation had occurred on location. Earthen ramp in NE1/4 NW1/4, section 18, T.5S., R.24E. had been leveled.

07/07/87 Notified the District on need for guidance from USO regarding actions to be taken in the case of inaction on the Sno-Ben 5 location (in light of the appeal to IBLA). Bob Randolph at USO to call on 07/08/87 to discuss further and will research before providing guidance.

07/10/87 Bob Randolph calls to recommend pursuing Sno-Ben locators under 43 CFR 3809 regs by issuing non-compliance orders, requiring bonding on future work on other claims, and notifying the State of Utah agencies responsible for tracking claims about this incident.



07/13/87 Jim Piani suggest I contact Bill Buge' at USO about pursuing the Sno-Ben # 5 location problems to the court that issued the NWF prelim. injunction and let the court take action. I agreed as the 3809 regs probably do not apply as the claims have been declared null and void. Peter Sokolosky and Frank Dudley visited the # 5 location again and found that no reclamation had occurred.

07/20/87 Peter Sokolosky and Bob Leaks with Utah Div. of Water Rights visited Sno-Ben #5 location. No reclamation had occurred.

07/22/87 Certified letter dated 07/22/87 sent to Mr. Bennett and cc to Leo Snow giving notice to reclaim the disturbed area (Sno-Ben # 5) within 15 days, letter listed appeal rights to USO.

07/25/87 Certified letter dated 07/22/87 received by Pat Bennett.

07/28/87 PS form 3811 returned to Vernal Office showing the certified letter was received on 07/25/87 by Pat Bennett. This will mean by order of this letter that reclamation is to be completed by 08/09/87.

08/10/87 Peter Sokolosky inspected the Sno-Ben 4, 5 and 6 locations. The Sno-Ben # 5 and the access road showed no signs of any reclamation work having taken place. Photographs were taken. Jim Piani was advised of the situation.

08/20/87 Peter Sokolosky, Pete Issacs and Fred Conrath visited the Sno-Ben # 4 and 5 locations to inspect for reclamation. None had occurred and Pete Issacs was requested to survey the area to arrive at an estimate of costs to reclaim the location. A section corner was found and the disturbed area is on both the # 4 and 5 locations.

08/21/87 Pete Issacs provided cost estimates for reclamation of the disturbed areas on the # 4 and 5 locations. Two estimates were provided, one if the BLM did the work with equipment and material of the Vernal District and a second if the work were contracted.

08/27/87 Mr. Tognoni (represents Sno-Ben claimants) addresses a request for a stay to the reclamation work required in the July 22 letter from the Vernal DM. Letter is dated 08/25/87.



09/03/87 Paul Andrews recommends to the DM the request for a stay be granted with a requirement of some interim work.

09/09/87 Letter from Vernal DM to Mr. Tognoni addresses interim requirements for stay to be executed.

09/18/87 Jim Piani, Peter Sokolosky and Fred Conrath met with Harold Bennett, Leo Snow and Dudley Davis on the site of the disturbance to discuss the interim measures. Peter Sokolosky showed the claimants what needed to be done in the interim time to stay the reclamation. Mr. Bennett was to get back with Mr. Tognoni to forward a letter to our office reflecting the claimants position. Mr. Bennett was non committal on what they may do, but indicated that the posting of a blockade may be a point of contention.

10/15/87 DM receives letter from Mr. Tognoni which implies there are still existing rights to the Sno-Ben Claims, operations will continue, and made misrepresentations about what BLM personnel did and said during the 09/18/87 on site. Letter does not directly address if the interim requirements to stay reclamation will be accomplished. Reply is formulated.

11/12/87 Reply letter is sent to Mr. Tognoni inquiring if interim work will be accomplished. Also sets the record on what the BLM representatives did on location.

11/23/87 PS form 33811 returned to Vernal office showing that the letter of 11/12/87 was received at Mr. Tognoni's office on 11/16/87.

03/15/88 Peter Sokolosky visits the location of disturbance to find that none of the interim work required to stay reclamation has been completed. A memo to that effect was sent to the Area Manager, BCRA.